

Serial No.: 09/787,423  
Atty. Docket No.: P66431US0

**REMARKS**

The Office Action mailed July 2, 2003, has been carefully reviewed and by this Amendment, Applicants have amended claims 1-9 and added claims 10-20. Claims 1-20 are pending in the application.

The Examiner rejected claims 5 and 7 under 35 U.S.C. 112, second paragraph, as being indefinite. By this Amendment, Applicants have corrected the informalities and therefore request reconsideration and withdrawal of the rejection.

The Examiner rejected claims 1-4, 6 and 7 under 35 U.S.C. 102(b) as being anticipated by WO 97/26937 to Israelsson et al. ("Israelsson"), and rejected claims 5, 8 and 9 under 35 U.S.C. 103(a) as being unpatentable over Israelsson in view of U.S. Patent No. 6,053,905 to Diagnault, Jr. et al. ("Diagnault").

As set forth in amended claim 1 and new claim 11, the present invention is directed to a catheter set comprising a catheter and a package for storing of the catheter before use and for collecting or discharging urine, the package including an elongated part forming a tube for accommodation of a proximal part of the catheter which is adapted to be inserted into the urethra. The catheter includes a tubular distal part and a sealing part for providing a seal between the catheter and the

elongated part of the package during use, the sealing part separating the proximal part of the catheter and the tubular distal part. As shown in Figure 1, the length of the tubular distal part is at least as long as the length of the elongated part of the package such that, in use, the tubular distal part is present within and extends through the length of the elongated part to prevent blocking thereof, a problem prevalent in the prior art as discussed in the specification at pages 1 and 2, and solved by the present invention, the structure of which is discussed at page 8, lines 22-29. This is not shown or suggested by the prior art.

As discussed in the specification at page 1, line 15 to page 2, line 2, Israelsson discloses a catheter set including a package and a catheter, in which a mechanical seal connection is formed between the flared rearward portion 16 of the catheter and the package opening when in use. This flared portion 16 is analogous to the *sealing part* 3 of the present invention, and is not comparable to the *distal part* 4 of the present invention; the protrusion immediately adjacent flared portion 16 in Israelsson is not the sealing element any more than is the corresponding protrusion between the sealing part 3 and the proximal insertable portion of the catheter 1 of the present invention.

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Nor does the prior art suggest the tubular distal part 4 of the present invention as claimed, as there is nothing in Israelsson or Diagnault from which such a structure could be found obvious. The tubular distal part extending through the elongated part, when in use, effectively prevents folding, twisting or kinking thereof so as to ensure proper operation of the catheter package and avoidance of any unwanted leaking. To perform this function it is necessary that the tubular part 4 extend through, or "occupy" the elongated part along its length, for an element of greatly abbreviated length such as that of the flared portion 16 of Israelsson would be essentially useless in ensuring free flow of urine through the elongated part of the package.

For at least the foregoing reasons, claims 1 and 11 are not anticipated by nor obvious in view of Israelsson, and are patentable thereover. Favorable reconsideration and allowance of such claims is requested.

Claims 2-10 and new claims 12-20 are also in condition for allowance as claims properly dependent on an allowable base claim and for the subject matter set forth therein.

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Accordingly, with this amendment and the foregoing remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any questions or comments, the Examiner is cordially invited to telephone the undersigned attorney so that the present application can receive an early Notice of Allowance.

Respectfully submitted,

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